IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

WP(C).No. 32421 of 2007(I)

PETITIONER:
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1. KRISHNAN,
S/O.MUTHU, THONIPPALAM VEEDU,
PULLADIKALAM, KOLAYAKKAD,
MANJHAPRA AMSOM DEOSM, ALATHUR TALUK,
REP. BY POWER OF ATTORNEY HOLDER, 2ND PETITIONER.

2. KANNAN, S/O.MUTHU,
THONIPALLAM VEEDU,
PULLADIKALAM, KOYALAKKAD,
MANJHAPRA AMSOM DESOM, ALATHUR TALUK.

BY ADV. SRI.T.SETHUMADHAVAN
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR

RESPONDENTS:

JOEL ANTONY,
S/O.ANTONY JOSEPH,
ERINJHALAKKUDA VILLAGE,
MUKUNDAPURAM TALUK,
THRISSUR DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 32421 OF 2007

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Dated this the 1st day of November, 2007.

J U D G M E N T

This writ petition is filed against Ext.P5 order whereby the Munsiff, Alathur refused to stay an interim injunction decree under Order 41 Rule 5(2) of CPC. The learned counsel for the writ petitioner submits that through out the pendency of the suit no interim injunction has been granted in favour of the plaintiff and therefore the plaintiff on the strength of the decree may attempt to get into the property thereby spoiling the right of the defendants. The learned counsel also submits that there must be a direction to issue certified copy of the judgment and decree as expeditiously as possible. So far as the prayer under Order 41 Rule 5(2) is concerned I do not find any reason to interfere with the finding at this stage but I direct the learned Munsiff to issue a copy of the judgment and decree as expeditiously as possible and not later than 10 days from today.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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